

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Trustees of the Teamsters Local 456 Pension, Health &
Welfare, Annuity, Education & Training, S.U.B.,
Industry Advancement and Legal Services Funds and the
Westchester Teamsters Local Union No. 456,

Case No. 08civ.0574 (SCR)

ANSWER

Plaintiffs,

-against-

PRECISION DEVELOPMENT OF CHAPPAQUA, INC.,

Defendant.

-----X
Precision Development of Chappaqua, Inc., by its attorneys, The DeIorio Law
Firm, LLP, as and for an Answer to the Summons and Complaint herein, respectfully
alleges as follows:

1. **Denies** knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs marked and numbered “1”, “2”, “3”, “4”, “5”, “6”, “7”, “8”, “9”, “10” and therefore **denies** the same.
2. **Admits** the allegations of the Complaint in paragraphs marked and numbered “11”.

AS TO THE FIRST CLAIM FOR RELIEF

3. **Denies** knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs marked and numbered “12”, “13”, “14”, “16” and “18” and therefore **denies** the same.
4. **Denies** the allegations in paragraphs marked and numbered “15”, “17” and “19”.

AS TO THE SECOND CLAIM FOR RELIEF

5. **Denies** knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs marked and numbered “21”, “23”, “24” and “25” and therefore **denies** the same.

6. **Denies** the allegations in paragraphs marked and numbered “22” and “26”.

AS TO THE THIRD CLAIM FOR RELIEF

7. **Denies** knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs marked and numbered “28”, “29” and “30” and therefore **denies** the same.

AS TO THE FOURTH CLAIM FOR RELIEF

8. **Denies** knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph marked and numbered “32” and therefore **denies** the same.

9. **Denies** the allegations in paragraphs marked and numbered “33”, “34” and “35”.

10. **Denies** each and every other allegation of the Complaint not hereinbefore specifically admitted, controverted or denied.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

8. A defense against the relief requested against the Defendant is founded upon documentary evidence.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. That Plaintiff has failed to mitigate its damages.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

10. That the relief requested against the Defendant is barred by the Doctrine of Estoppel.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

11. That the relief requested against the Defendant is barred by the Doctrine of Waiver.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

12. That the relief requested against the Defendant is barred by the Doctrine of Laches.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

17. Payment.

Dated: Rye Brook, New York
April 28, 2008

THE DEIORIO LAW FIRM, LLP

By: _____

Patrick V. Delorio, Esq. (PD6403)

Attorneys for Defendant

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(914) 696-5555

To: Barnes, Iaccarino, Virginia
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ANSWER

**THE
DEIORIO LAW FIRM, LLP**

Attorneys for

Plaintiff

X Defendant

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(914) 696-0450 FAX

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature

Print Signer's Name